

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marc ALAIA et al.

Application No.: 09/828,731

Filed: April 9, 1999

For: METHOD AND SYSTEM FOR
CONTROLLING THE INITIATION
AND DURATION OF OVERTIME
INTERVALS IN ELECTRONIC
AUCTIONS



Group Art Unit: 2161

Examiner: Unassigned

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Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

This is a Petition to Make Special the examination of the above-identified patent application. The fee pursuant to § 1.17(i) is enclosed.

Applicants hereby petition the Commissioner for advanced examination of the present application under 37 C.F.R. § 1.102(d) based upon actual infringement. In support of this petition, Applicants submit:

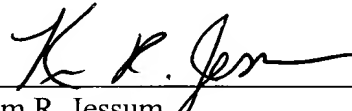
- (a) The Statement of Kim R. Jessum, attorney registered to practice before the U.S. Patent and Trademark Office, in support of this Petition to Make Special on grounds of actual infringement; and
- (b) A Supplemental Information Disclosure Statement and copies of the relevant references not cited in the previously filed Information Disclosure Statement found upon the search, which was made in connection with the above-identified application.

Accordingly, Applicant requests that this Petition to Make Special be granted and examination of the present application be advanced.

The Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTION PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Kim R. Jessum
Reg. No.: 43,694

Dated: October 2, 2002

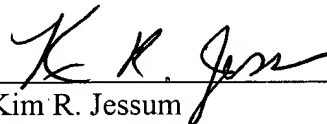
Customer No.: 028977
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5000

3. A rigid comparison of the allegedly infringing product and/or method with the claims of the application has been made. In my opinion, the product and/or method would unquestionably infringe at least one of the claims of the application.

4. I have made or caused to be made a careful and thorough search of the prior art. A copy of the references that resulted from the search and were not cited in the previously filed Information Disclosure Statement are listed in a Supplemental Information Disclosure Statement submitted simultaneously herewith.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Kim R. Jessum
Reg. No.: 43,694

Dated: October 2, 2002

Customer No.: 028977
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PATENT

Attorney Docket No.: 046700-5004-12

Certificate of Mailing (37 C.F.R. §1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20232.

Signature: _____

Kim R. Jessum

Date of Deposit: _____

October 2, 2002

Name: _____

Kim R. Jessum

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GROUP 3600

In re Application of: _____)

Marc ALAIA et al. _____)

Application No.: 09/828,731 _____)

Group Art Unit: 2161

Filed: April 9, 2001 _____)

Examiner: Unassigned

For: METHOD AND SYSTEM FOR
CONDUCTING ELECTRONIC
AUCTIONS _____)

Commissioner for Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir: _____

Enclosed please find the following documents in connection with the above-referenced application to be filed with your office:

1. Petition to Make Special Under 37 C.F.R. §1.102(d).
2. Statement of Kim R. Jessum In Support of Petition to Make Special.
3. Supplemental Information Disclosure Statement.
4. Supplemental Information Disclosure Citation-Form PTO 1449 (with references).
5. Preliminary Amendment.
6. Check in the amount of \$130.00.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: _____

October 2, 2002

By: _____

Kim R. Jessum

Kim R. Jessum
Reg. No. 43,694

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